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Forth-ninth session

ANNOTATIONS TO THE PROVISIONAL AGENDA

Prepared by the Secretary-General

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Item 1. Election of officers

1. Rule 15 of the rules of procedure of the functional commissions of the Economic and Social Council provides that "at the commencement of its first meeting of a regular session the Commission shall elect, from among the representatives of its members, a Chairman, one or more Vice-Chairmen and such other officers as may be required".

Item 2. Adoption of the agenda

2. Rule 7 of the rules of procedure provides that "the Commission shall at the beginning of each session, after the election of its officers, ... adopt the agenda for that session on the basis of the provisional agenda".

3. The Commission will have before it the provisional agenda (E/CN.4/1993/1) prepared by the Secretary-General in accordance with rule 5 of the rules of procedure, as well as the present annotations relating to the items included in the provisional agenda.

Item 3. Organization of the work of the session

4. The attention of the Commission is drawn to the relevant resolutions concerning control and limitation of documentation (inter alia, General Assembly resolution 33/56 and Economic and Social Council resolutions 1981/83 and 1982/50). Furthermore, the Commission will recall that at its last nine sessions it set time-limits for statements. At its forty-eighth session, for example, members of the Commission were limited to one statement of 15 minutes or two statements of 10 minutes per item, observers and non-governmental organizations were limited to one statement of 10 minutes per item, while observer States mentioned in a report and liberation movements could make one statement of 15 minutes or two statements of 10 minutes per item. It was also agreed that, with regard to rights of reply, the practice followed by the Third Committee of the General Assembly, namely limitation to two replies, the first of 5 minutes and the second of 3 minutes, would be observed. In view of the existing financial constraints and the overall reductions imposed, the session must be most carefully planned from the outset, bearing in mind the absolute need for maximum effectiveness in the use of the resources available.

5. The attention of the Commission is also drawn to Economic and Social Council decision 1992/258 of 20 July 1992, by which the Council, taking note of Commission on Human Rights decision 1992/119 of 6 March 1992, decided to authorize, if possible within existing financial resources, 40 fully serviced additional meetings, with summary records, for the forty-ninth session of the Commission. The Council took note of the Commission's decision to request the Chairman, at its forty-ninth session, to make every effort to organize the work of the session within the time normally allotted, the additional meetings to be held only if they prove absolutely necessary.

6. The attention of the Commission is also drawn to item 12 (b) of the provisional agenda (E/CN.4/1993/1), under which the Commission should provide for a special closed meeting in connection with a decision relating to a particular situation.

7. The attention of the Commission is also drawn to Economic and Social Council resolution 1990/48 of 25 May 1990 in which the Council authorized the Commission to meet exceptionally between its regular sessions, provided that a majority of States members of the Commission so agreed. In addition, the Council recommended that the mandates of the thematic rapporteurs and working groups established or to be established by the Commission should, unless otherwise decided, be of three years' duration.

Working groups

8. The session will be preceded by meetings of the three pre-sessional working groups referred to in E/CN.4/1993/1, paragraph 3 (a), (b) and (d).

Composition of the Commission

9. The composition of the Commission for 1993 is the following. The term of membership of each State expires on 31 December of the year indicated in brackets.

Angola (1994), Argentina (1993), Australia (1993), Austria (1993), Bangladesh (1994), Barbados (1994), Brazil (1995), Bulgaria (1994), Burundi (1993), Canada (1994), Chile (1994), China (1993), Colombia (1994), Costa Rica (1994), Cuba (1994), Cyprus (1994), Czechoslovakia (1993), Finland (1995), France (1995), Gabon (1994), Gambia (1993), Germany (1993), Guinea-Bissau (1995), India (1994), Indonesia (1993), Iran (Islamic Republic of) (1994), Japan (1993), Kenya (1994), Lesotho (1994), Libyan Arab Jamahiriya (1994), Malaysia (1995), Mauritania (1993), Mauritius (1995), Mexico (1995), Netherlands (1994), Nigeria (1994), Pakistan (1995), Peru (1993), Poland (1995), Portugal (1993), Republic of Korea (1995), Romania (1995), Russian Federation (1994), Sri Lanka (1994), Sudan (1995), Syrian Arab Republic (1994), Togo (1995), Tunisia (1994), United Kingdom of Great Britain and Northern Ireland (1994), United States of America (1995), Uruguay (1994), Venezuela (1993) and Zambia (1993).

Assistance to Guatemala in the field of human rights

10. The Commission may wish to recall its resolution 1992/78, adopted at its forty-eighth session, in which it requested the Secretary-General to extend the mandate of the independent Expert, Mr. C. Tomuschat, so that he might continue to examine the human rights situation in Guatemala and provide assistance to the Government in the field of human rights, and to submit to the Commission at its forty-ninth session a report assessing the measures taken by the Government in accordance with the recommendations made to it, and decided to consider the question under an item of its agenda to be determined in the light of the above-mentioned report and of the situation of human rights in Guatemala.

11. The report of the Independent Expert will be before the Commission at its present session (E/CN.4/1993/10).

Situation of human rights in El Salvador

12. The Commission at its forty-eighth session adopted resolution 1992/62, in which it expressed its thanks to the Special Representative for his final report on the situation of human rights in El Salvador, and requested the Secretary-General to appoint an independent expert to provide assistance in human rights matters to the Government of El Salvador, consider the human rights situation in the country, consider the effects of the Peace Agreements on the effective enjoyment of human rights, and investigate the manner in which both parties apply the recommendations contained in the final report of the Special Representative and those made by the United Nations Observer Mission in El Salvador and the committees established during the negotiating process. The Commission requested the Independent Expert to report on the outcome of his inquiries to the General Assembly at its forty-seventh session and to the Commission at its forty-ninth session.

13. The Commission decided that if there was a substantial improvement in the human rights situation in El Salvador during 1992, that situation and the effect of the Peace Agreements on the effective enjoyment of human rights would be considered under the agenda item "Advisory services in the field of human rights", or otherwise, under the agenda item "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

14. The Secretary-General appointed Mr. Pedro Nikken (Venezuela) as Independent Expert on the situation of human rights in El Salvador.

15. The Commission will have before it the report of the Independent Expert (E/CN.4/1993/11).

Item 4. Question of the violation of human rights in the occupied Arab territories, including Palestine

16. The Commission has been seized of the human rights situation in the territories occupied by Israel as a result of the hostilities of June 1967 every year since its twenty-fourth session (1968).

17. At its forty-eighth session, the Commission adopted resolution 1992/1 and 1992/2 A and B in which it decided to place this item on the agenda of the forty-ninth session as a matter of high priority.

18. The Commission also adopted resolutions 1992/3 and 1992/4 relevant to this item.

19. At its forty-fourth session, the Sub-Commission on Prevention of Discrimination and Protection of Minorities adopted resolution 1992/10 on the situation in the Palestinian and other Arab territories occupied by Israel.

20. In accordance with paragraph 6 of resolution 1992/1, paragraph 5 of resolution 1992/2 A and paragraph 6 of resolution 1992/2 B, the Commission will have before it the report of the Secretary-General on the implementation of the resolutions (E/CN.4/1993/12) and a note by the Secretary-General listing United Nations reports issued between sessions of the Commission that deal with the condition in which the population of the Palestinian and other occupied Arab territories is living (E/CN.4/1993/13).

21. The Commission at its forty-eighth session adopted decision 1992/104 in which it decided to postpone consideration of draft resolution X, recommended by the Sub-Commission to the forty-ninth session of the Commission, to a later session, the year of which would be the subject of consultations and agreement, taking into account the development of the international situation. The Commission will also have before it draft resolution X, contained in chapter I, section A of the report of the Sub-Commission on its forty-third session (E/CN.4/1992/2-E/CN.4/Sub.2/1991/65).

Item 5. Violations of human rights in southern Africa: report of the Ad Hoc Working Group of Experts

22. The Ad Hoc Working Group of Experts on southern Africa was established by the Commission on Human Rights in accordance with its resolution 2 (XXIII) of 6 March 1967. Since then, the Commission has renewed the mandate of the Ad Hoc Working Group regularly, and most recently at its forty-seventh session by resolution 1991/21. The renewal of the mandate was endorsed by the Economic and Social Council in its decision 1991/237. The Ad Hoc Working Group is composed of Mr. Leliel Mikuin Balanda (Zaire), Mr. Armando Entralgo (Cuba), Mr. Felix Ermacora (Austria), Mr. Mulka G. Reddy (India), Mr. Elly E.E. Mtango (United Republic of Tanzania) and Mr. Zoran Pajic (Yugoslavia).

23. At its forty-seventh session, by resolution 1991/21, the Commission requested the Working Group to continue to examine the situation regarding the violations of human rights in South Africa including, in particular, reports of torture, ill-treatment and deaths of detainees, as well as infringements of trade union rights, and to submit its interim report to the Commission at its forty-eighth session and its final report at its forty-ninth session. It also requested the Group to submit a brief preliminary report to the General Assembly at its forty-sixth and forty-seventh sessions.

24. The Commission at its forty-eighth session adopted resolution 1992/19 in which it once more requested the South African authorities to allow the Ad Hoc Working Group of Experts on southern Africa to visit South Africa, and to cooperate with it. In the same resolution the Commission requested the Ad Hoc Working Group to report to the Commission at its forty-ninth session. It also called upon the Centre for Human Rights to respond at the appropriate time to

the needs of the changing situation in South Africa during the period of transition, in accordance with General Assembly resolution 46/79 A.

25. In pursuance of these resolutions, the Commission will have before it the final report of the Ad Hoc Working Group (E/CN.4/1993/14).

Item 6. Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist regime in South Africa

26. This item has been considered by the Commission since its thirtieth session (1974). The item has also been regularly considered by the General Assembly and the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

27. At its forty-eighth session, the Commission adopted resolution 1992/20, in which it expressed its appreciation to Mr. Ahmed Khalifa, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, for his updated report containing the list of banks, transnational corporations and other organizations assisting the racist regime of South Africa.

28. Upon the recommendation of the Commission on Human Rights, contained in its resolution 1992/7, the Economic and Social Council, by its resolution 1992/3, invited the Special Rapporteur to continue to update his list and invited the Sub-Commission at its forty-fourth session and the Commission at its forty-ninth session to consider the revised report.

29. At its forty-fourth session, the Sub-Commission had before it the updated report of the Special Rapporteur. It adopted resolution 1992/6 in which, noting the statement by the Special Rapporteur that, in the light of recent events, the list should be discontinued because it would no longer serve the purpose for which it was intended and convinced of the need for the United Nations human rights bodies, including the Sub-Commission, to contribute to the monitoring of the process of abolishing apartheid, the Sub-Commission recommended that a special rapporteur be appointed from among its members to report on the progress towards democracy, equality and social justice in South Africa.

30. At the present session, the Commission will have before it the updated report by the Special Rapporteur (E/CN.4/Sub.2/1992/12 and Add.1).

31. The Commission will also have before it draft resolution II contained in chapter I, section A, of the report of the Sub-Commission on its forty-fourth session (E/CN.4/1993/2-E/CN.4/Sub.2/1992/58).

Item 7. Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights, including: problems related to the right to enjoy an adequate standard of living; foreign debt, economic adjustment policies and their effects on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development

32. The Commission, by its resolution 2 (XXXI) of 10 February 1975, decided to keep this item on its agenda as a standing item with high priority. In 1989, it modified the original subitem (a), entitled "Problems related to the right to enjoy an adequate standard of living; the right to development", and decided to consider the right to development under a separate agenda item at its forty-sixth session; it also decided to add to the original subitem (a) a specific point, entitled "Foreign debt, economic adjustment policies and their effects on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development".

33. The Commission, at its forty-eighth session, adopted resolution 1992/9, in which it invited Governments to provide the Special Rapporteur on the realization of economic, social and cultural rights with their comments and the information at their disposal about their experience concerning the impact of economic adjustment policies arising from foreign debt on the enjoyment of human rights and invited the Sub-Commission to submit the final report of the Special Rapporteur to the Commission at its forty-ninth session. Also at its forty-eighth session, the Commission adopted resolution 1992/11, in which it requested the Sub-Commission to accord priority in its work to the question of human rights and extreme poverty, to undertake a study of this question and to report to the Commission at its forty-ninth session. The Commission at its forty-eighth session also adopted resolution 1992/10, in which it, inter alia, requested the Secretary-General to organize, under the United Nations programme of human rights activities in 1992-1993, a seminar of experts for the discussion of appropriate indicators to measure achievements in the progressive realization of economic, social and cultural rights.

34. Reference may also be made to Commission resolution 1992/21, entitled "Respect for the right of everyone to own property alone as well as in association with others", in which the Commission welcomed the preliminary report of the Independent Expert (E/CN.4/1992/9) and decided to examine the report that he will submit in accordance with his mandate at its forty-ninth session.

35. At its forty-fourth session, the Sub-Commission adopted several resolutions concerning this item: resolution 1992/14, entitled "Forced evictions", in which it recommended that the Commission adopt a resolution on this subject; resolution 1992/26, entitled "Promoting the realization of the right to adequate housing, appointing Mr. Rajinder Sachar as Special Rapporteur on this subject; resolution 1992/27, in which the Sub-Commission recommended the appointment of Mr. Leandro Despouy as Special Rapporteur on the question of human rights and extreme poverty; resolution 1992/28, entitled

"Human rights dimensions of population transfer, including the implantation of settlers and settlements", entrusting Messrs. Al-Khasawneh and Hatano, as Special Rapporteurs, with preparing a study and resolution 1992/29, entitled "Realization of economic, social and cultural rights", in which it requested the Commissioner to consider the desirability of appointing thematic rapporteurs to investigate these rights.

36. In regard to this item, the Commission will have before it the final report of the Special Rapporteur, Mr. Danilo Türk, (E/CN.4/Sub.2/1992/16) and the report of the Independent Expert on the right to own property (E/CN.4/1993/15).

37. The Commission will also have before it draft resolutions III and VII, contained in chapter I, section A, and draft decisions 5 and 6, contained in chapter I, section B of the report of the Sub-Commission on its forty-ninth session (E/CN.4/1993/2-E/CN.4/Sub.2/1992/58).

Item 8. Question of the realization of the right to development

38. The Commission, in its resolution 1989/45, decided to include this item on the agenda of its forty-sixth session.

39. The Declaration on the Right to Development was proclaimed by the General Assembly at its forty-first session in resolution 41/128 of 4 December 1986. The Working Group of Governmental Experts on the Right to Development, established by the Commission on Human Rights in 1981, had held nine sessions in the period preceding the adoption of the Declaration, to the content of which it contributed. Subsequent to the proclamation of the Declaration, the Working Group has held three sessions, in January 1987, 1988 and 1989, prior to the sessions of the Commission on Human Rights.

40. In accordance with Commission resolution 1989/45, endorsed by the Economic and Social Council in decision 1989/141, the Secretary-General organized a global consultation on the right to development which took place from 8 to 12 January 1990, at Geneva.

41. At its forty-eighth session, the Commission adopted resolution 1992/13, in which it requested the Secretary-General to submit to the Commission on Human Rights at its forty-ninth session concrete proposals on the effective implementation and promotion of the Declaration on the Right to Development.

42. At the present session, the Commission will have before it in connection with this item the report of the Secretary-General prepared in accordance with resolution 1992/13 (E/CN.4/1993/16).

Item 9. The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation

43. This item has been on the agenda of the Commission since 1975. At its forty-eighth session, the Commission adopted under this item resolutions 1992/4, entitled "Situation in occupied Palestine"; 1992/5, entitled "Situation in Afghanistan"; 1992/6, entitled "Use of mercenaries as a

means of impeding the exercise of the right of peoples to self-determination"; and 1992/18, entitled "Question of Western Sahara"; and decision 1992/102, entitled "Situation in Cambodia".

Situation in occupied Palestine

44. In its resolution 1992/4 the Commission requested the Secretary-General to transmit the resolution on the situation in occupied Palestine to the Government of Israel and to all other Governments, to distribute it on the widest possible scale and to make available to the Commission on Human Rights, prior to the convening of its forty-ninth session, all information pertaining to the implementation of the resolution by the Government of Israel. It further decided to consider the situation in occupied Palestine under this item as a matter of high priority.

45. At its present session, the Commission will have before it the note by the Secretary-General (E/CN.4/1993/17).

Situation in Cambodia

46. By its decision 1992/102, the Commission requested the Secretary-General to inform the Commission at its forty-ninth session about the human rights activities in Cambodia carried out by the United Nations Transitional Authority in Cambodia (UNTAC) and by the Centre for Human Rights. The Sub-Commission, by its resolution 1992/17, invited the Secretary-General to develop and implement, in collaboration with UNTAC, long-term, comprehensive programmes of technical assistance and advisory services which would contribute to a lasting improvement in the enjoyment of human rights in Cambodia.

47. The report of the Secretary-General on the human rights activities in Cambodia is contained in document E/CN.4/1993/19.

Special Rapporteur on the question of mercenaries

48. At its forty-third session, the Commission, by resolution 1987/16, decided to appoint for one year a Special Rapporteur to examine the question of the use of mercenaries as a means of violating human rights and of impeding the exercise of the right of peoples to self-determination. On 1 September 1987, the Chairman of the Commission appointed Mr. Enrique Bernales Ballesteros (Peru) as Special Rapporteur of the Commission on the question of mercenaries.

49. At its forty-eighth session, the Commission adopted resolution 1992/6, in which it extended the mandate of the Special Rapporteur for three years to enable him to carry out further studies on the use of mercenaries and to make recommendations to the Commission accordingly. The Commission also requested the Special Rapporteur to report to the Commission at its forty-ninth session. The Economic and Social Council approved the extension of the mandate and the request by its decision 1992/225.

50. At its present session, the Commission will have before it the report of the Special Rapporteur (E/CN.4/1993/18).

Item 10. Question of the human rights of all persons subjected to any form of detention or imprisonment, in particular:

(a) Torture and other cruel, inhuman or degrading treatment or punishment;

(b) Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(c) Question of enforced or involuntary disappearances;

(d) Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Question of human rights and states of emergency

51. The attention of the Commission is drawn to the work of the Sub-Commission on this question. A fifth annual report and a list of States which, since 1 January 1985, have proclaimed, extended or terminated a state of emergency, was submitted by the Special Rapporteur on human rights and states of emergency, Mr. Leandro Despouy, to the Sub-Commission at its forty-fourth session (E/CN.4/Sub.2/1992/23). In its resolution 1992/22, the Sub-Commission invited the Special Rapporteur to update his report so that the Commission, at its forty-ninth session, would have before it the most recent and accurate information available. The Sub-Commission also recommended that the Commission request the Economic and Social Council to endorse the request of the Sub-Commission to the Special Rapporteur to continue to update the list of states of emergency. The Economic and Social Council approved this request by its decision 1992/249.

52. The Commission will have before it a note by the Secretary-General (E/CN.4/1993/27), transmitting the fifth revised and updated report of the Special Rapporteur (E/CN.4/Sub.2/1992/23/Rev.1), and draft resolution IV, contained in chapter I, section A of the report of the Sub-Commission on its forty-fourth session (E/CN.4/1993/2-E/CN.4/Sub.2/1992/58).

Staff members of the United Nations and the specialized agencies in detention

53. Both the Commission and the Sub-Commission have dealt with the detention, disappearance and death in detention of United Nations staff members. In its resolution 1992/26, the Commission requested the Secretary-General to continue his efforts to ensure that the human rights, privileges and immunities of United Nations staff members, experts and their families were fully respected. It also requested him to submit to the Commission, at its forty-ninth session, an updated version of the report on the situation of United Nations staff members, experts and their families detained, imprisoned, missing or held in a country against their will, including those cases which had been successfully settled since the presentation of the last report.

54. The Sub-Commission, at its fortieth session, had before it, pursuant to its resolution 1987/21, a report of the Secretary-General on this subject. It adopted resolution 1988/9, in which it decided to entrust one of its members,

the late Mrs. Maria Concepción Bautista, with the task of undertaking an examination of violations of human rights of staff members of the United Nations system.

55. At its forty-fourth session, the Sub-Commission adopted resolution 1992/24, in which it expressed it appreciation to the Special Rapporteur for her final report on the protection of the human rights of United Nations staff members, experts and their families and requested the Secretary-General to take steps aimed at ensuring the application of the recommendations in the report and to report annually to the Third Committee of the General Assembly on the implementation of the protection measures and on redress for the possible harm caused.

56. The Commission will have before it the report of the Secretary-General (E/CN.4/1993/22), the final report of the Special Rapporteur (E/CN.4/Sub.2/1992/19) and draft resolution VI, contained in chapter I, section A of the report of the Sub-Commission on its forty-fourth session (E/CN.4/1993/2-E/CN.4/Sub.2/1992/58).

Right to freedom of opinion and expression

57. At its forty-sixth session, the Commission adopted resolution 1990/32, in which it endorsed the appointment by the Sub-Commission of Mr. Louis Joinet and Mr. Danilo Türk as Special Rapporteurs to prepare a study on the right to freedom of opinion and expression.

58. At its forty-eighth session, the Commission adopted resolution 1992/22, in which it invited the Special Rapporteurs of the Sub-Commission to submit a final report to the Sub-Commission at its forty-fourth session, which should include conclusions and recommendations. It also decided to review the question at its forty-ninth session on the basis, inter alia, of the report submitted by the Special Rapporteurs to the Sub-Commission at its forty-fourth session and any decisions adopted by the Sub-Commission in this regard.

59. At the present session, the Commission will have before it the final report of Mr. Joinet and Mr. Türk (E/CN.4/Sub.2/1992/9 and Add.1)

Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers

60. At its forty-fifth session the Commission adopted resolution 1989/32, in which it expressed its appreciation and thanks to the Special Rapporteur of the Sub-Commission, Mr. L.M. Singhvi, for his study on this subject (E/CN.4/Sub.2/1985/18 and Add.1-6) and for his draft declaration (E/CN.4/Sub.2/1988/20/Add.1 and Add.1/Corr.1), and invited Governments to take into account the principles set forth in the draft declaration in implementing the Basic Principles on the Independence of the Judiciary. The Commission also recommended that Governments should provide for the protection of practising lawyers against undue restrictions and pressures in the exercise of their functions.

61. At its forty-eighth session, the Commission adopted resolution 1992/33 in which it endorsed the decision of the Sub-Commission to entrust

Mr. Louis Joinet with the preparation of a report on strengthening the independence of the judiciary and the protection of practising lawyers.

62. At its forty-fourth session, the Sub-Commission had before it the report prepared by Mr. Joinet (E/CN.4/Sub.2/1992/24 and Add.1-3) and adopted resolution 1992/38, in which it endorsed the recommendations contained in that report. The Sub-Commission also decided to entrust Mr. Joinet with the preparation of a report to bring to the attention of the Sub-Commission information on practices and measures which had served to strengthen or to weaken the independence of the judiciary and the legal profession. This was subsequently approved by the Economic and Social Council by its decision 1992/229.

63. At its present session, the Commission will have before it draft resolution VIII contained in chapter I, section A, of the report of the Sub-Commission on its forty-fourth session (E/CN.4/1993/2-E/CN.4/Sub.2/1992/58).

Hostage-taking

64. At its forty-eighth session, the Commission adopted resolution 1992/23, in which it decided to remain seized of the question at its forty-ninth session.

Human rights in the administration of justice

65. At its forty-fourth session, the General Assembly adopted resolution 44/162, in which it requested the Commission to invite the Sub-Commission to study the practical implementation of United Nations norms and standards in the administration of justice and human rights.

66. At its forty-eighth session, the Commission adopted resolution 1992/31, in which it requested the Sub-Commission to continue its practice of creating a sessional working group on detention to formulate concrete proposals regarding human rights in the administration of justice, and requested the Sub-Commission to formulate concrete proposals to the Secretary-General regarding the utility and the format of his report pursuant to Sub-Commission resolution 7 (XXVII) of 20 August 1974 on the question of the human rights of persons subjected to any form of detention or imprisonment. The Commission also invited the Commission on Crime Prevention and Criminal Justice at its first session, to be held in Vienna from 21 to 30 April 1992, to explore ways and means of cooperating with the human rights programme in the field of the administration of justice, with special emphasis on the effective implementation of norms and standards.

67. The Commission at its forty-eighth session also adopted resolution 1992/35, entitled "Habeas corpus", relevant to this item.

68. The Commission will have before it the report of the Working Group on Detention, in accordance with paragraph 6 of resolution 1992/31 (E/CN.4/Sub.2/1992/22), and a note by the Secretary-General concerning the submission of information pursuant to Sub-Commission resolution 7 (XXVII) of 20 August 1974 (E/CN.4/Sub.2/1992/17).

Right to a fair trial

69. At its forty-eighth session, the Commission adopted resolution 1992/34, in which it endorsed the request of the Sub-Commission to the Special Rapporteurs, Mr. Stanislas Chernichenko and Mr. William Treat, to continue with the preparation of their study entitled "The right to a fair trial: current recognition and measures necessary for its strengthening". It requested the Special Rapporteurs to submit a third report to the Sub-Commission at its forty-fourth session and to the Commission at its forty-ninth session and requested the Secretary-General to transmit the questionnaire contained in the second report to Governments, the specialized agencies and non-governmental organizations and to transmit the responses to the Special Rapporteurs. The Economic and Social Council, in its decision 1992/230, approved the endorsement by the Commission for the continuation of the study.

70. At its forty-fourth session, the Sub-Commission adopted resolution 1992/21, in which it requested the Special Rapporteurs to submit a fourth report analysing national practices in regard to the right to a fair trial and urged them to make suggestions on how the right to a fair trial might be further protected.

71. At the present session the Commission will have before it the third report of Mr. Chernichenko and Mr. Treat (E/CN.4/Sub.2/1992/24 and Add.1-3) and draft decision 3 contained in chapter I, section B of the report of the Sub-Commission on its forty-fourth session (E/CN.4/1993/2-E/CN.4/Sub.2/1992/58).

Question of arbitrary detention

72. At its forty-seventh session, the Commission adopted resolution 1991/42, in which it decided to create, for a three-year period, a working group composed of five independent experts, with the task of investigating cases of detention imposed arbitrarily or otherwise inconsistently with relevant international standards and that the working group, in carrying out its mandate, should seek and receive information from Governments, intergovernmental and non-governmental organizations, and should receive information from the individuals concerned, their families or their representatives. The Economic and Social Council, in its decision 1991/243, approved the Commission's decision. On 3 July 1991, the Chairman of the Commission appointed the following persons as members of the Working Group: Mr. Roberto Garretón (Chile), Mr. Louis Joinet (France), Mr. Laïty Kama (Senegal), Mr. Kapil Sibal (India) and Mr. Peter Uhl (Czechoslovakia). At its first session, the Working Group elected Mr. L. Joinet as its Chairman-Rapporteur and Mr. R. Garretón as its Vice-Chairman. At its forty-eighth session, the Commission adopted resolution 1992/28, in which it requested the Working Group to submit a comprehensive report on its activities to the Commission at its forty-ninth session and to make any suggestions and recommendations enabling it better to carry out its task.

73. At the present session, the Commission will have before it the comprehensive report of the Working Group (E/CN.4/1993/24).

Other matters

Human rights and forensic science

74. At its forty-eighth session the Commission decided that it would be desirable to create, under United Nations auspices, a standing team of forensic experts and experts in other relevant disciplines, to be enrolled on a voluntary basis worldwide, who could be requested by Governments concerned, through the Secretary-General, to assist, on the basis of professional objectivity and in a humanitarian spirit, in the exhumation and identification of probable victims of human rights violations or in the training of local teams for the same purpose. The Commission therefore requested the Secretary-General, within existing resources, to enter into consultation with appropriate professional organizations in the field of forensic science and related disciplines with a view to studying the practical and financial viability of such a scheme and to developing workable arrangements for its management. The Commission also requested the Working Group on Enforced or Involuntary Disappearances to render active assistance in this regard on the basis of its own experience in the matter.

75. The Commission will have before it the report of the Secretary-General (E/CN.4/1993/20).

76. In connection with agenda item 10, the Commission may wish to note the following resolutions adopted by the Sub-Commission at its forty-fourth session: resolution 1992/23, entitled "Question of the impunity of perpetrators of violations of human rights"; resolution 1992/25 entitled "Application of international standards concerning the human rights of detained juveniles"; resolution 1992/32, entitled "The right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms" and decision 1992/107, entitled "Study of the issue of the privatization of prisons".

77. The Commission will have before it draft resolutions V and VI, contained in chapter I, section A, and draft decisions 4, 8 and 11, contained in chapter I, section B of the report of the Sub-Commission on its forty-fourth session (E/CN.4/1993/2-E/CN.4/Sub.2/1992/58).

Sub-item (a) Torture and other cruel, inhuman or degrading treatment or punishment

78. This item has been considered annually since 1984 by the Commission and has also been regularly considered by the General Assembly and the Sub-Commission on Prevention of Discrimination and Protection of Minorities. Action taken by the General Assembly has included adoption of a declaration and a convention against torture, adoption of the Code of Conduct for Law Enforcement Officials, the Principles of Medical Ethics Relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Body of Principles for the Protection of all Persons under any Form of Detention or Imprisonment, and the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty.

Special Rapporteur on torture

79. At its forty-first session, the Commission, in its resolution 1985/33, decided to appoint for one year a special rapporteur to examine questions relevant to torture. The Chairman of the Commission subsequently appointed Mr. Peter Kooijmans (Netherlands) as Special Rapporteur of the Commission on the question of torture. His mandate was subsequently renewed in Commission resolutions 1986/50, 1987/29, 1988/32, 1990/38 and most recently in resolution 1992/32 for three years.

80. In resolution 1992/32, the Commission decided that the Special Rapporteur, in carrying out his mandate, should continue to seek and receive credible information from Governments, the specialized agencies, and intergovernmental and non-governmental organizations.

81. At its present session the Commission will have before it the report of the Special Rapporteur (E/CN.4/1993/26).

United Nations Voluntary Fund for Victims of Torture

82. The United Nations Voluntary Fund for Victims of Torture was established in December 1981 by the General Assembly (resolution 36/151) for the purpose of receiving voluntary contributions for distribution, through established channels of assistance, as humanitarian, legal and financial aid to individuals who had been tortured and to their relatives. In its resolution 1992/27, the Commission expressed its gratitude and appreciation to those Governments, organizations and individuals that had already contributed to the Fund and appealed to those in a position to do so to respond favourably to requests for contributions, if possible on a regular basis. The Commission also requested the Secretary-General to keep it informed of the operations of the Fund on an annual basis and requested the Secretary-General to submit to the Commission at its forty-ninth session a consolidated report on the activities, as appropriate, carried out through the Fund, entitled "Ten years of the United Nations Voluntary Fund for Victims of Torture".

83. The Commission will have before it the report of the Secretary-General on the United Nations Voluntary Fund for Victims of Torture (E/CN.4/1993/23).

Sub-item (b) Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

84. In its resolution 1992/25, the Commission requested the Secretary-General to continue submitting to the General Assembly and to the Commission annual reports on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which was opened for signature on 4 February 1985 and entered into force on 26 June 1987. The Commission will have before it the report of the Secretary-General on the status of the Convention (E/CN.4/1993/21).

Sub-item (c) Question of enforced or involuntary disappearances

85. In pursuance of General Assembly resolution 33/173, the Commission, by resolution 20 (XXXVI) of 29 February 1980, decided to establish for a period

of one year a working group consisting of five of its members, to serve as experts in their individual capacities, to examine questions relevant to enforced or involuntary disappearances of persons. At its thirty-seventh to forty-first sessions, the Commission extended the term of the Working Group's mandate by one year; from its forty-second to forty-sixth sessions, the mandate was extended by two years.

86. At its forty-eighth session, in resolution 1992/30, the Commission decided to extend the Working Group's mandate for three years and requested the Working Group to report on its work to the Commission at its forty-ninth session. The Working Group is made up of Mr. Toine van Dongen (Netherlands), Mr. Jonas K.D. Foli (Ghana), Mr. Aga Hilaly (Pakistan), Mr. Diego García-Sayán (Peru) and Mr. Ivan Tosevski (Yugoslavia).

87. At the forty-eighth session of the Commission, the Chairman read out a statement on behalf of the Commission in which, while acknowledging measures taken by the Government of Sri Lanka to address the human rights situation throughout the country, expressed serious concern at the situation and, in particular, at the large number of disappearances recorded by the Working Group on Enforced or Involuntary Disappearances. In this connection, the Commission urged the Government of Sri Lanka to implement the recommendations of the Working Group and welcomed the decision of the Government of Sri Lanka to invite the Working Group to visit Sri Lanka again during the course of 1992 for the purpose, inter alia, of evaluating the progress of the implementation of its recommendations. Three members of the Working Group carried out the visit to Sri Lanka from 5 to 15 October 1992.

88. The Commission will have before it the report of the Working Group on Enforced or Involuntary Disappearances and the report of the visit of three of its members to Sri Lanka (E/CN.4/1993/25 and Add.1).

Sub-item (d) Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

89. The draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was submitted by Costa Rica on 6 March 1980 and is designed to establish a system of visits by a committee of experts to places of detention within the jurisdiction of the States parties to the protocol. At its forty-fifth session, in decision 1989/104, the Commission deferred until its forty-seventh session consideration of the draft optional protocol, which it believed could represent a major step towards the effective prevention of torture. At its forty-seventh session, in decision 1991/107, the Commission, having taken note of the draft optional protocol as updated and submitted by Costa Rica on 22 January 1991, decided, in order to give States an opportunity to study it, to consider the draft optional protocol at its forty-eighth session.

90. At its forty-eighth session, the Commission adopted resolution 1992/43 by which the Commission decided to establish an open-ended inter-sessional working group to elaborate a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, using as a basis for its discussion the draft text proposed by the Government of

Costa Rica on 22 January 1991, and to consider implications of its adoption and the relationship between the draft optional protocol, regional instruments and the Committee against Torture. The Economic and Social Council endorsed the decisions of the Commission by its resolution 1992/6.

91. The Working Group met from 19 to 30 October 1992 at Geneva.

92. At the present session, the Commission will have before it the report of the Working Group (E/CN.4/1993/28).

Item 11. Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission:

(a) Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms;

(b) National institutions for the promotion and protection of human rights;

(c) Coordinating role of the Centre for Human Rights within the United Nations bodies and machinery dealing with the promotion and protection of human rights.

93. The item on the further promotion and encouragement of human rights and fundamental freedoms has been on the agenda of the Commission since 1963 (resolution 8 (XIX)). The title of the item was modified by the addition of the subject of alternative approaches in pursuance of General Assembly resolution 32/130. Regional arrangements and national institutions are also considered by the Commission under this item.

Sub-item (a) Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms

94. The attention of the Commission is drawn to its resolution 1992/38, entitled "Development of public information activities in the field of human rights, including the World Public Information Campaign for Human Rights", in which it requested the Secretary-General to submit to the Commission, at its forty-ninth session, a report on public information activities with special emphasis on the activities of the World Campaign, including details of the costs incurred in 1992 and the budget envisaged for future activities, as well as a further assessment of the impact of the World Campaign activities undertaken by the United Nations in the field of human rights and decided to continue its consideration of the question at its forty-ninth session.

95. The attention of the Commission is also drawn to its resolution 1992/73, entitled "Internally displaced persons", in which it requested the Secretary-General to submit a comprehensive study to the Commission at its forty-ninth session, identifying existing laws and mechanisms for the protection of internally displaced persons, possible additional measures to

strengthen implementation of these laws and mechanisms and alternatives for addressing protection needs not adequately covered by existing instruments. In accordance with paragraph 2 of the resolution, the Secretary-General designated Mr. Francis M. Deng (Sudan) as his Representative. The Commission decided to continue its consideration of the question at its forty-ninth session.

96. At its forty-eighth session, the Commission also adopted resolution 1992/40, entitled "Regional arrangements for the promotion and protection of human rights in the Asian and Pacific region", in which the Commission requested the Secretary-General to consult the States in the Asian and Pacific region on the widest possible basis in the implementation of that resolution and to submit a further report to the Commission at its forty-ninth session.

97. The Commission also adopted resolution 1992/52, entitled "Regional arrangements for the promotion and protection of human rights", in which it requested the Secretary-General to continue to strengthen exchanges between the United Nations and regional intergovernmental organizations dealing with human rights and also requested the Secretary-General to submit to the Commission at its forty-ninth session a report on the state of regional arrangements for the promotion and protection of human rights.

98. The Commission at its forty-eighth session also adopted resolution 1992/55, entitled "Establishment of an emergency mechanism of the Commission on Human Rights", in which it decided to resume consideration of the proposed emergency mechanism at its forty-ninth session, taking also into account further suggestions that might be submitted on the subject.

99. The attention of the Commission is drawn to its resolution 1992/42, entitled "Consequences on the enjoyment of human rights of acts of violence committed by armed groups that spread terror among the population and by drug traffickers" in which it requested all special rapporteurs and working groups to continue paying particular attention to the adverse effect on the enjoyment of human rights of acts of violence committed by armed groups and by drug traffickers in their forthcoming reports to the Commission on the situation of human rights in those countries where such acts occur. In accordance with the request made in the resolution, the Secretary-General continued to collect information on this question and has made it available to the special rapporteurs and working groups.

100. The attention of the Commission is also drawn to resolution 1992/41, entitled "Human rights and thematic procedures", in which the Commission encouraged thematic special rapporteurs and the Working Group on Enforced or Involuntary Disappearances to follow closely the progress made by Governments in their investigations carried out within their respective mandates. Attention is also drawn to resolution 1992/39, entitled "Strengthening of United Nations action in the field of human rights through the promotion of international cooperation, and the importance of non-selectivity, impartiality and objectivity".

101. The Commission also adopted resolution 1992/57, entitled "Civil defence forces", in which it requested the Secretary-General to ask Governments and

intergovernmental and non-governmental organizations for information on domestic law and practice relating to civil defence forces and for comments concerning the relationship between civil defence forces and human rights, and to prepare a report containing a summary of the information and comments received to be submitted to the Commission at its forty-ninth session.

102. At its present session, the Commission will have before it the reports of the Secretary-General pursuant to resolutions 1992/38 (E/CN.4/1993/29), 1992/39 (E/CN.4/1993/30), 1992/40 (E/CN.4/1993/31), 1992/52 (E/CN.4/1993/32), 1992/57 (E/CN.4/1993/34) and 1992/73 (E/CN.4/1993/35).

Sub-item (b) National institutions for the promotion and protection of human rights

103. At its forty-eighth session, the Commission adopted resolution 1992/54, in which it requested the Centre for Human Rights to continue its efforts in order to enhance cooperation between the United Nations and regional and national institutions. It requested the Secretary-General to publicize the proceedings of the International Workshop on National Institutions for the Promotion and Protection of Human Rights (Paris, October 1991) and to undertake follow-up activities, and to transmit the proceedings to the Preparatory Committee for the World Conference on Human Rights so that it could consider ways of promoting the Principles relating to the status of national institutions. The Commission also requested the Secretary-General to give consideration to the results of the International Workshop in the preparation of a manual on national institutions. Finally, the Commission requested the Secretary-General to commence the planning of a follow-up international workshop in 1993, following the World Conference on Human Rights, and to submit a report on those preparations to the Commission at its forty-ninth session.

104. The Commission will have before it the report of the Secretary-General (E/CN.4/1993/33).

Sub-item (c) Coordinating role of the Centre for Human Rights within the United Nations bodies and machinery dealing with the promotion and protection of human rights

105. At its forty-seventh session, the Commission adopted resolution 1991/22, in which it decided to discuss the question of the coordinating role of the Centre for Human Rights within the United Nations bodies and machinery dealing with the promotion and protection of human rights at its forty-eighth session.

106. At its forty-eighth session, the Commission adopted resolution 1992/53, entitled "Strengthening of the Centre for Human Rights" in which it emphasized that, in implementing the budget for the biennium 1992-1993, adequate staffing, temporary assistance and other resources should be allocated to the Centre for Human Rights so as to enable it to respond to its increasing workload and to cover its needs in order to carry out all the functions assigned to it, including all the mandates and the preparations for the World Conference on Human Rights and the Conference itself; requested the Secretary-General to take into account, when preparing the budget outline for

the biennium 1994-1995, that adequate resources would be projected for human rights, in particular for the Centre for Human Rights, and decided to consider the question again at its forty-ninth session.

Item 12. Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories, including:

(a) Question of human rights in Cyprus;

(b) Study of situations which appear to reveal a consistent pattern of gross violations of human rights as provided for in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII): report of the Working Group on Situations established by Economic and Social Council resolution 1990/41 of 25 May 1990

107. By resolution 1164 (XLI) of 5 August 1966, the Economic and Social Council welcomed the decision of the Commission in its resolution 2 B (XXII) of 25 March 1966 to consider, at its twenty-third session, the question of its tasks and functions and its role in relation to violations of human rights. In resolution 2144 A (XXI) of 26 October 1966, the General Assembly invited the Council and the Commission to give urgent consideration to ways and means of improving the capacity of the United Nations to put a stop to violations of human rights wherever they might occur. Pursuant to these resolutions, the Commission adopted resolution 8 (XXIII) of 16 March 1967, in which it decided to give annual consideration to an item on the question of violations of human rights and fundamental freedoms. The title of the item was later modified by the Commission. Subsequently, the Economic and Social Council adopted resolutions 1235 (XLII) and 1503 (XLVIII) on the question of violations of human rights and fundamental freedoms.

108. In resolution 32/130, the General Assembly decided that, in approaching human rights questions within the United Nations system, the international community should accord, or continue to accord, priority to the search for solutions to the mass and flagrant violations of human rights of peoples and persons affected by various situations referred to in the resolution. The Assembly reiterated those views in subsequent resolutions, including resolution 37/199. In resolution 34/175, entitled "Effective action against mass and flagrant violations of human rights", the Assembly urged the appropriate United Nations bodies, within their mandates, particularly the Commission, to take timely and effective action in existing and future cases of mass and flagrant violations of human rights. By resolution 37/200, the General Assembly urged all States to cooperate with the Commission in its study of violations of human rights and fundamental freedoms in any part of the world and requested the Commission to continue its efforts to improve the capacity of the United Nations system to take urgent action in cases of serious violations of human rights.

Situation of human rights in various countries

109. At its forty-eighth session, the Commission considered, and took action on, the situation of human rights in the following countries:

(a) Situation of human rights in southern Lebanon. In its resolution 1992/70, the Commission decided to bring the resolution to the attention of the Government of Israel, to invite the Government to provide information concerning the extent of its implementation and to report thereon to the Commission on Human Rights at its forty-ninth session. The Commission will have before it the report of the Secretary-General (E/CN.4/1993/44);

(b) Situation of human rights in Cuba. At its forty-eighth session, the Commission adopted resolution 1992/61, in which it requested its Chairman to designate the Special Representative appointed by the Secretary-General as its Special Rapporteur to review and report on the situation of human rights in Cuba. The Commission requested the Special Rapporteur to maintain direct contact with the Government and citizens of Cuba, concerning the issues and questions contained in and associated with the report of the mission to Cuba which took place in accordance with Commission decision 1988/106 as well as the report of the Special Representative. The Commission also requested the Special Rapporteur to carry out his mandate and to report to the Commission at its forty-ninth session on the results of his endeavours and to submit an interim report to the General Assembly at its forty-seventh session. The Economic and Social Council approved this request by its decision 1992/236. Following the resignation of Mr. R. Rivas Posada, the Special Representative appointed under Commission resolution 1991/68, the Secretary-General designated Mr. Carl-Johan Groth (Sweden) as his Special Representative who was subsequently appointed Special Rapporteur by the Chairman of the Commission. The Commission will have before it the report of the Special Rapporteur (E/CN.4/1993/39).

(c) Situation of human rights in Romania. In its resolution 1992/64, the Commission expressed its gratitude to the Special Rapporteur, Mr. Joseph Voyame, for this report and for the manner in which he had discharged his mandate. It requested the Secretary-General to bring the resolution to the attention of the Government of Romania, to invite the Government to provide information regarding its implementation and to report to the Commission at its forty-ninth session. The Commission will have before it the report of the Secretary-General (E/CN.4/1993/40);

(d) Situation of human rights in Iraq. In accordance with Commission resolution 1991/74, Mr. Max van der Stoel (Netherlands) was appointed, on 25 June 1991, Special Rapporteur on the situation of human rights in Iraq. At its forty-eighth session, the Commission adopted resolution 1992/71, in which it requested the Special Rapporteur to submit an interim report on the human rights situation in Iraq to the General Assembly at its forty-seventh session and a final report to the Commission at its forty-ninth session. The Economic and Social Council, in its decision 1992/241, approved these requests. The Commission will have before it the report of the Special Rapporteur (E/CN.4/1993/45);

(e) Situation of human rights in Albania. In its resolution 1992/69, the Commission requested the Secretary-General to bring the resolution to the attention of the Government of Albania, to invite the Government to provide information regarding its implementation and to report thereon to the Commission at its forth-ninth session. The Commission also decided to

continue its consideration of the situation of human rights in Albania at its forty-ninth session. The Commission will have before it the report of the Secretary-General (E/CN.4/1993/43);

(f) Situation of human rights in Afghanistan. In its resolution 1992/68, the Commission decided to extend the mandate of the Special Rapporteur, Mr. Felix Ermacora (Austria), for one year and requested him to report to the General Assembly at its forty-seventh session and to the Commission at its forty-ninth session. The Economic and Social Council, in its decision 1992/240, approved this decision. The Commission will have before it the report of the Special Rapporteur (E/CN.4/1993/42);

(g) Situation of human rights in the Islamic Republic of Iran. In its resolution 1992/67, the Commission decided to extend the mandate of the Special Representative, Mr. Reynaldo Galindo Pohl (El Salvador), as contained in Commission resolution 1984/54 for a further year and also requested him to submit an interim report to the General Assembly at its forty-seventh session on the human rights situation in the Islamic Republic of Iran, and a final report to the Commission at its forty-ninth session. The Economic and Social Council, in its decision 1992/239, approved the these requests. The Commission will have before it the report of the Special Representative (E/CN.4/1993/41);

(h) Situation of human rights in Myanmar. In its resolution 1992/58, the Commission decided to nominate a special rapporteur to establish direct contacts with the Government and with the people of Myanmar, with a view to examining the situation of human rights in Myanmar and following any progress made towards the transfer of power to a civilian government and the drafting of a new constitution, the lifting of restrictions on personal freedoms and the restoration of human rights in Myanmar, and to report to the General Assembly at its forty-seventh session and to the Commission on Human Rights at its forty-ninth session. The Economic and Social Council, in its decision 1992/235, approved this decision. The Chairman of the Commission, on 10 June 1992, appointed Mr. Yozo Yokota (Japan) as Special Rapporteur. The Commission will have before it the report of the Special Rapporteur (E/CN.4/1993/37);

(i) Situation of human rights in Haiti. Since its forty-fourth session, the Commission had considered the situation in Haiti under the agenda item, entitled "Advisory services in the field of human rights". At its forty-eighth session, the Commission adopted resolution 1992/77, in which it requested its Chairman to appoint a special rapporteur with a mandate to prepare a report on the situation of human rights in Haiti and to submit an interim report to the General Assembly at its forty-seventh session and a report to the Commission at its forty-ninth session. This request was approved by the Economic and Social Council in its decision 1992/245. On 10 April 1992, the Chairman appointed Mr. Marco Tulio Bruni Celli (Venezuela) as Special Rapporteur. The Commission also decided to consider the situation of human rights in Haiti at its forty-ninth session under the agenda item, entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories". The Commission will have before it the report of the Special Rapporteur (E/CN.4/1993/47);

(j) Situation in Equatorial Guinea. In accordance with Commission resolution 33 (XXXVI) of 11 March 1980 and Economic and Social Council decision 1980/137, the Secretary-General appointed Mr. Fernando Volio Jiménez (Costa Rica) as Expert on the situation in Equatorial Guinea. In the past several years, the Commission had considered the situation in Equatorial Guinea under the agenda item, entitled "Advisory services in the field of human rights". At its forty-eighth session, the Commission adopted resolution 1992/79, in which it requested its Chairman to appoint an expert whose mandate would be to make a thorough study of the violation of human rights by the Government of Equatorial Guinea and to report to the Commission at its forty-ninth session. The Commission also decided to consider the question at its forty-ninth session under the agenda item, entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories", unless there was a significant improvement in the situation of human rights and fundamental freedoms in Equatorial Guinea. This request was approved by the Economic and Social Council in its decision 1992/247. The Chairman of the Commission, on 10 April 1992, appointed Mr. F. Volio Jiménez as Expert on the situation in Equatorial Guinea. The Commission will have before it the report of the Expert (E/CN.4/1993/48).

(k) Situation of human rights in the territory of the former Yugoslavia. At its first special session, in August 1992, the Commission adopted resolution 1992/S-1/1, in which it requested its Chairman to appoint a special rapporteur to investigate the human rights situation in the territory of the former Yugoslavia, in particular within Bosnia and Herzegovina. The Commission also requested the existing mechanisms of the Commission on Human Rights to provide their full cooperation, assistance and findings to the Special Rapporteur and to accompany the Special Rapporteur in visiting the former Yugoslavia if he or she should so request. The Commission also requested the Special Rapporteur to visit areas of interest in the former Yugoslavia and to provide to the members of the Commission a preliminary report, including recommendations for bringing violations to an end and preventing future violations, no later than 28 August 1992. The Special Rapporteur was also requested to continue reporting periodically to the members of the Commission, to report to the General Assembly at its forty-seventh session as well as to the Commission at its next regular session. The Secretary-General was requested to make all these reports available to the Security Council. On 17 August 1992, the Chairman of the Commission, appointed Mr. Tadeusz Mazowiecki (Poland) as Special Rapporteur. In accordance with paragraphs 14 and 15 of the resolution, the Special Rapporteur reported to the members of the Commission on 28 August (E/CN.4/1993/S-19) and 27 October 1992 (E/CN.4/1993/S-1/10). The Commission will have before it a further report of the Special Rapporteur (E/CN.4/1993/50).

(l) Situation in East Timor. At the forty-eighth session of the Commission, the Chairman of the Commission, at the 54th meeting, held on 4 March 1992, made a statement in which he requested the Secretary-General to continue to follow closely the human rights situation in East Timor and to keep the Commission informed at its forty-ninth session (see E/1992/22-E/CN.4/1992/84, para. 457). The Commission will have before it the report of the Secretary-General (E/CN.4/1993/49).

Cooperation with representatives of United Nations human rights bodies

110. In its resolution 1992/59, the Commission invited the Secretary-General to submit a report on alleged reprisals against persons who have cooperated with or provided testimony to United Nations human rights bodies; those who have tried to avail themselves of human rights mechanisms and procedures and their legal counsel; those who have submitted communications and those who are relatives of victims of human rights violations, and decided to consider the question again at its forty-ninth session. The Commission will have before it the report of the Secretary-General (E/CN.4/1991/38).

Extrajudicial, summary or arbitrary executions

111. At its forty-eighth session, the Commission adopted resolution 1992/72, in which it took note with regret of the impending resignation of Mr. S. Amos Wako as Special Rapporteur and expressed its gratitude to him for the manner in which he had discharged his functions, and requested the Chairman of the Commission to appoint an individual of recognized international standing as Special Rapporteur to continue to examine situations of extrajudicial, summary or arbitrary executions. The Commission also decided to consider this item at its forty-ninth session. The Economic and Social Council, in its decision 1992/242, approved the Commission's request.

112. The Chairman of the Commission, on 10 April 1992, appointed Mr. Bacre Waly Ndiaye (Senegal) as Special Rapporteur.

113. At its present session the Commission will have before it the report of the Special Rapporteur (E/CN.4/1993/46).

Human rights and mass exoduses

114. At its forty-eighth session, the Commission adopted resolution 1992/63, in which the Commission urged the Secretary-General to attach a high priority to and allocate the necessary resources to the consolidation and strengthening of the system for undertaking early warning activities in the humanitarian area, and to report to the General Assembly at its forty-seventh session. The Commission welcomed the establishment by the Administrative Committee on Coordination (ACC) of the Ad Hoc Working Group on Early Warning regarding New Flows of Refugees and Displaced Persons with a mandate to develop an effective early-warning system related to possible flows of refugees and displaced persons, and the request of the General Assembly in its resolution 46/127 that the Ad Hoc Working Group submit in 1992 its report to ACC on the early-warning mechanism to be established.

Action of the Sub-Commission at its forty-fourth session

115. Within the framework of the present item, the attention of the Commission is also drawn to the following resolutions adopted by the Sub-Commission at its forty-fourth session: 1992/9, "Situation in South Africa", 1992/10, "Situation in the Palestinian and other Arab territories occupied by Israel", 1992/11, "Situation of human rights in Somalia", 1992/13, "Situation of human rights in El Salvador", 1992/15, "Situation of human rights in the Islamic Republic of Iran", 1992/16, "Situation of human rights in Haiti, 1992/17,

"Situation in Cambodia", 1992/18, "Situation of human rights in Guatemala", and 1992/20, entitled "Situation in East Timor", in which the Sub-Commission requested the Secretary-General to include, in his report to the Commission, an analytical compilation of information received from Governments, intergovernmental and non-governmental organizations.

116. Attention is also drawn to the following decisions adopted by the Sub-Commission: 1992/103, "Situation of human rights in Yugoslavia and 1992/106, "Humanitarian situation in Iraq".

Documentation

117. Pursuant to its own resolutions, adopted at its forty-eighth session, as well as those of the General Assembly, the Economic and Social Council and the Sub-Commission on Prevention of Discrimination and Protection of Minorities, the Commission will have before it the following documentation:

(a) Report of the Special Rapporteur on the situation of human rights in Myanmar (resolution 1992/58), (E/CN.4/1993/37);

(b) Report of the Special Rapporteur on the situation of human rights in Cuba (resolution 1992/61, para. 9), (E/CN.4/1993/39);

(c) Report of the Secretary-General on the human rights situation in Romania (resolution 1992/64, para. 9 (6)), (E/CN.4/1993/40);

(d) Report of the Secretary-General on reprisals against witnesses or victims of human rights violations (resolution 1992/59, para. 6), (E/CN.4/1993/38);

(e) Report of the Special Rapporteur on summary or arbitrary executions (resolution 1992/72, para. 7), (E/CN.4/1993/46);

(f) Final report of the Special Rapporteur on the situation of human rights in Iraq (resolution 1992/71, para. 15), (E/CN.4/1993/45);

(g) Report of the Special Rapporteur on the situation of human rights in Afghanistan (resolution 1992/68, para. 24), (E/CN.4/1993/42);

(h) Report of the Special Representative on the situation of human rights in the Islamic Republic of Iran (resolution 1992/67, para. 13), (E/CN.4/1993/41);

(i) Report of the Secretary-General on the human rights situation in Albania (resolution 1992/69, para. 5 (b)), (E/CN.4/1993/43);

(j) Report of the Secretary-General on the human rights situation in southern Lebanon (resolution 1992/70, para. 5 (b)), (E/CN.4/1993/44);

(k) Report of the Special Rapporteur on the situation of human rights in Haiti (resolution 1992/77), (E/CN.4/1993/47);

(l) Report of the Expert on the situation of human rights in Equatorial Guinea (resolution 1992/79), (E/CN.4/1993/48);

(m) Report of the Secretary-General on the situation in East Timor (statement agreed by consensus by the Commission on the situation made by the Chairman on 4 March 1992) (E/CN.4/1993/49).

(n) Report of the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia (E/CN.4/1993/50).

Sub-item (a) Question of human rights in Cyprus

118. This question was first considered by the Commission at its thirty-second session, when it adopted resolution 4 (XXXIII) of 27 February 1976. The Commission has had this question on its agenda since then. At its forty-eighth session, by decision 1992/106, the Commission decided to postpone debate on the sub-item to its forty-ninth session and to give it due priority. It requested the Secretary-General to provide a report to the Commission regarding the implementation of its previous resolutions on the subject. At its present session the Commission will have before it the report of the Secretary-General (E/CN.4/1993/36).

Sub-item (b) Study of situations which appear to reveal a consistent pattern of gross violations of human rights as provided for in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII): report of the Working Group on Situations established by Economic and Social Council resolution 1990/41 of 25 May 1990

119. By resolution 1503 (XLVIII) of 27 May 1970, the Economic and Social Council established a procedure for dealing with communications concerning alleged violations of human rights. Particular situations referred to the Commission by the Sub-Commission on Prevention of Discrimination and Protection of Minorities under Council resolution 1503 (XLVIII) were placed before the Commission for the first time at its thirtieth session in 1974. Since then, particular situations relating to some 50 countries have been placed before the Commission under the procedure.

120. Since its thirtieth session in 1974 (see Commission decision 3 (XXX) of 6 March 1974), the Commission annually set up a working group of five of its members, due account being taken of considerations of geographical distribution, to meet for one week prior to the Commission's following session to examine the particular situations referred to the Commission by the Sub-Commission under Council resolution 1503 (XLVIII) and those situations of which the Commission was seized under that procedure, and to make recommendations to the Commission on the course of action to take in respect of each particular situation. By resolution 1990/41 of 25 May 1990, the Economic and Social Council, acting on the recommendation contained in Commission resolution 1990/55 of 7 March 1990, authorized the establishment of the working group, to be referred to as the Working Group on Situations, on a permanent basis, instead of the earlier ad hoc basis.

121. At its thirtieth session, the Commission decided that the Governments concerned should henceforth be invited to submit written observations relating to the particular situations referred to the Commission (decision 3 (XXX), para. 4).

122. In 1978, the Commission decided to issue invitations, during the first week of each session, to the States directly concerned, asking them to send representatives to address the Commission and to answer any questions put by members of the Commission (decision 5 (XXXIV)).

123. In 1979, the Commission decided to authorize its Working Group on Situations in future to communicate the text of the relevant recommendations as soon as possible to the Governments directly concerned, in order to facilitate their participation in the examination of the situations concerning their countries, as provided for in Commission decision 5 (XXXIV) (decision 14 (XXXV)).

124. In 1980, the Commission decided that the States invited to attend the closed meeting of the Commission under Council resolution 1503 (XLVIII) should have the right to attend and to participate in the entire discussion of the situation concerning them, and to be present during the adoption of the final decision taken in regard to that situation (decision 9 (XXXVI) of 7 March 1980).

125. All actions taken under the procedure governed by Council resolution 1503 (XLVIII) remain confidential until such time as the Commission may decide to make recommendations to the Council. The documentation pertaining to the procedure is also confidential.

126. At its forty-ninth session, the Commission will have before it the report of the Working Group on Situations, as well as other confidential documents pertaining to the sub-item, including the confidential report of the forty-fourth session of the Sub-Commission (E/CN.4/1993/R.1 and addenda). Reports relating to the implementation of confidential decisions adopted at the Commission's last session and such observations as may be received from the Governments concerned (to be issued in the E/CN.4/1993/R series). In addition, the Commission will have before it the relevant earlier material relating to the situations of which the Commission is seized. The above-mentioned confidential documents will be handed to the members of the Commission at the session.

127. Chapter X of the report of the Sub-Commission on the work of its forty-fourth session (E/CN.4/1993/2-E/CN.4/Sub.2/1992/58) is also relevant to this sub-item.

Item 13. <u>Measures to improve the situation and ensure the human rights and dignity of all migrant workers</u>

128. Questions concerning the human rights of migrant workers have been the subject of attention at several sessions of the Commission. In its resolution 34/172, the General Assembly decided to create at its thirty-fifth session a working group open to all member States to elaborate an international convention on the protection of the rights of all migrant

workers and their families. Accordingly, at its thirty-fifth session, the General Assembly established an open-ended working group on this subject.

129. The Working Group completed its task in June 1990 and transmitted the draft convention to the General Assembly for action, in accordance with General Assembly resolution 44/155. The General Assembly, in resolution 45/158 of 18 December 1990, adopted the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

130. At its forty-eighth session, in resolution 1992/81, the Commission requested the Secretary-General to report on the status of the Convention to the Commission at its forty-ninth session.

131. At its present session, the Commission will have before it the report of the Secretary-General on the status of the Convention (E/CN.4/1993/51).

Item 14. Human rights and scientific and technological developments

132. Following resolution XI of the International Conference on Human Rights (Tehran, 1968), human rights problems arising from scientific and technological developments have been examined by the General Assembly at various sessions. They have also been on the agenda of the Commission as a standing item since its twenty-seventh session. At its thirty-ninth session, the Commission decided to consider this item on a biennial basis, beginning at its fortieth session.

Use of scientific and technological developments for the promotion and protection of human rights and fundamental freedoms

133. At its forty-sixth session, the Commission adopted resolution 1990/39, in which it invited the United Nations University to submit to the Commission a study entitled "Human rights and scientific and technological development". At its forty-seventh session, the Commission, in its resolution 1991/45, requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities, at its forty-fourth session, to consider the study, in particular the applicability of its recommendations to the work of the United Nations in the field, and to report on any conclusions to the Commission at its forty-ninth session.

134. At its present session, the Commission will have before it a note by the Secretary-General transmitting the study prepared by the United Nations University (E/CN.4/1993/48).

Movement and dumping of toxic and dangerous products and waste

135. At its forty-seventh session, the Commission adopted resolution 1991/47, by which it decided to consider this item at its forty-ninth session.

Human rights and the environment

136. At its forty-seventh session, the Commission adopted resolution 1991/44, in which it endorsed the decision of the Sub-Commission to entrust Ms. Fatima Zohra Ksentini, Special Rapporteur, with the task of preparing a study on human rights and the environment.

137. At its forty-fourth session, the Sub-Commission adopted resolution 1992/31, in which it requested Ms. Ksentini to submit to the Sub-Commission, at its forty-fifth session, a second progress report containing additional information on and an analysis of decisions and views of Governments, United Nations bodies, the specialized agencies, intergovernmental and non-governmental organizations, as well as information on and an analysis of national law and practices.

138. At its forty-ninth session, the Commission will have before it the draft decision 7, contained in chapter I, section B of the report of the Sub-Commission on its forty-fourth session (E/CN.4/1993/2-E/CN.4/Sub.2/1992/58).

Item 15. Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid

139. The International Convention on the Suppression and Punishment of the Crime of Apartheid was adopted and opened for signature and ratification on 30 November 1973 by General Assembly resolution 3068 (XXVIII). It entered into force on 18 July 1976.

140. In 1980, the Commission decided, by resolution 12 (XXXVI), to maintain this question on its agenda as a standing item.

141. At its forty-seventh session, the Commission adopted resolution 1991/10, in which it requested the Group of Three to continue, in light of the views expressed by States parties to the Convention, the examination of the extent and the nature of the responsibility of transnational corporations for the continued existence of the system of apartheid in South Africa, including legal action that might be taken under the Convention against transnational corporations whose operations in South Africa came under the crime of apartheid, and to report to the Commission on Human Rights at its forty-ninth session.

142. The Commission also requested the Secretary-General to invite States parties to the Convention to express their views on the extent and nature of the responsibility of transnational corporations for the continued existence of the system of apartheid in South Africa and to invite States parties to the Convention, the specialized agencies and non-governmental organizations to provide the Commission with relevant information concerning the types of crimes of apartheid, as described in article II of the Convention, committed by transnational corporations operating in South Africa.

143. The Commission decided that, henceforth, the Group of Three should meet every two years rather than annually to consider the reports submitted by States parties in accordance with article VII of the Convention.

144. At its forty-ninth session, the Commission will have before it:

(a) A note by the Secretary-General concerning the status of the Convention (E/CN.4/1993/52);

(b) Reports received from States parties to the Convention in accordance with article VII thereof (E/CN.4/1993/52/Addenda);

(c) Views and information submitted by States parties, specialized agencies and non-governmental organizations, in accordance with Commission resolution 1991/10 (E/CN.4/1993/53);

(d) The report of the Group of Three (E/CN.4/1993/54).

Item 16. Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination

145. In resolution 1992/8, adopted at its forty-eighth session, the Commission requested the Secretary-General to continue to inform the Commission of the measures taken, pursuant to General Assembly resolutions 42/47, 44/52 and 45/105 to ensure that the necessary and additional resources were included in the programme budget for the biennium 1992-1993 to provide for the implementation of the activities of the Second Decade to Combat Racism and Racial Discrimination and to inform the Commission at its forty-ninth session of the progress made in carrying out the plan of activities for 1992-1993 so that the Commission could make its contribution thereto. The Commission also requested the Secretary-General to continue the study on the effects of racial discrimination on the children of minorities, in particular those of migrant workers, in the field of education, training and employment, and to submit, inter alia, specific recommendations for the implementation of measures to combat the effects of that discrimination. The Economic and Social Council, in its resolution 1992/13, approved the latter request of the Commission.

146. At its present session, the Commission will have before it:

(a) The report of the Secretary-General on the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination (E/CN.4/1993/55);

(b) The annual report on racial discrimination submitted by the International Labour Organisation (E/CN.4/1993/56);

(c) The annual report on racial discrimination submitted by the United Nations Educational, Scientific and Cultural Organization (E/CN.4/1993/57);

(d) The report of the Secretary-General on measures to combat racism and racial discrimination and the role of the Sub-Commission (E/CN.4/Sub.2/1992/11).

147. The attention of the Commission is also drawn to the note of the Secretary-General on the launching of a third decade to combat racism and racial discrimination (A/47/432).

Item 17. Status of the International Covenants on Human Rights

148. In its resolution 1992/14, the Commission requested the Secretary-General to submit to it, at its forty-ninth session, a report on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights, including all reservations and declarations. Accordingly, the Commission will have before it information on the status of the International Covenants on Human Rights (E/CN.4/1993/69), as well as the reservations, declarations, notifications and objections relating to the International Covenant on Economic, Social and Cultural Rights (E/C.12/1988/1) and the International Covenant on Civil and Political Rights and the Optional Protocols thereto (CCPR/C/2/Rev.3).

Item 18. Effective functioning of bodies established pursuant to United Nations human rights instruments

149. This item has been included in the agenda of the Commission since its forty-sixth session.

150. In resolution 1992/15, adopted at the forty-eighth session, the Commission requested the Secretary-General to give consideration to the proposal endorsed by the second and third meetings of persons chairing the human rights treaty bodies and by the Committee on Economic, Social and Cultural Rights, to establish a committee resource room for the purpose of gathering and facilitating access to the various sources of information that were indispensable for the effective functioning of various treaty bodies; requested the General Assembly to mandate the Secretary-General to take the appropriate steps in order to finance the meetings of persons chairing the human rights treaty bodies from the available resources of the regular budget of the United Nations, when necessary, with the proviso that reimbursement should eventually be made in every instance from the contributions of States parties to those conventions or from other appropriate sources; requested the Secretary-General to submit to the General Assembly at its forty-seventh session a report examining the financial, legal and other implications of providing full funding for the operation of all human rights treaty bodies; and requested the Secretary-General to prepare an inventory of all international human rights standard-setting activities in order to facilitate better informed decision-making. The Commission also decided to consider this item at its forty-ninth session.

Item 19. Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its forty-fourth session

151. The report of the Sub-Commission is considered annually by the Commission. The report of the Sub-Commission on its forty-fourth session is contained in document E/CN.4/1993/2-E/CN.4/Sub.2/1992/58.

152. At its forty-fourth session, the Sub-Commission adopted 39 resolutions and 12 decisions, which are reproduced in the report.

Draft resolutions and decisions for action by the Commission on Human Rights

153. Chapter I, sections A and B, of the report of the Sub-Commission contains 8 draft resolutions and 13 draft decisions proposed to the Commission for action. They are as follows:

Draft resolutions

I. Measures to combat racism and racial discrimination and the role of the Sub-Commission

II. Monitoring the transition to democracy in South Africa

III. Forced evictions

IV. Question of human rights and states of emergency

V. Question of the impunity of perpetrators of violations of human rights

VI. Violation of the human rights of staff members of the United Nations system and other persons acting under the authority of the United Nations

VII. Human rights and extreme poverty

VIII. Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers

Draft decisions

1. Report of the Working Group on Contemporary Forms of Slavery

2. Detention on Bougainville

3. Right to a fair trial

4. Application of international standards concerning the human rights of detained juveniles

5. Promoting the realization of the right to adequate housing

6. Human rights dimensions of population transfer, including the implantation of settlers and settlements

7. Human rights and the environment

8. The right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms

9. Draft universal declaration on indigenous peoples

10. International Year for the World's Indigenous People

11. Study of the issue of the privatization of prisons

12. Final report on study on problems and causes of discrimination against HIV-infected people or people with AIDS

13. Study on treaties, agreements and other constructive arrangements between States and indigenous populations

Resolutions and decisions of the Sub-Commission drawn to the attention of the Commission on Human Rights

154. Chapter I, section C, of the report of the Sub-Commission contains the resolutions and decisions of the Sub-Commission which are drawn to the Commission's attention for its consideration or action.

Report of the Chairman of the Sub-Commission

155. In its resolution 1992/66, the Commission called upon the Sub-Commission, in the fulfilment of its functions and duties, to be guided by the relevant resolutions of the Commission and the Economic and Social Council. The Commission reaffirmed that the Sub-Commission could best assist the Commission by providing it with recommendations based on the different views and perspectives of independent experts, which should be appropriately reflected in the Sub-Commission's report as well as in the expert studies carried out under its auspices. Further, the Commission requested the Chairman of the Sub-Commission to report to the Commission on the implementation of the guidelines contained in Commission resolution 1992/66.

156. In the same resolution, the Commission invited its Chairman to inform the Sub-Commission on the debate at the forty-eighth session of the Commission under this item. The Commission also endorsed the establishment by the Sub-Commission by its decision 1991/117, on an exceptional basis, of an inter-sessional working group on the rationalization of the work and the agenda of the Sub-Commission and requested the inter-sessional working group to prepare a list of specific proposals in draft decision format, for examination by all the experts of the Sub-Commission and adoption by the Sub-Commission at its forty-fourth session, which would take into consideration the proposals and recommendations studied by the Sub-Commission at its forty-third session, and in particular by its ad hoc sessional working group, established by its decision 1989/104. The working group met from 11 to 15 May 1992 and submitted its report (E/CN.4/Sub.2/1992/3 and Add.1) to the Sub-Commission at its forty-fourth session.

157. The Sub-Commission at its forty-fourth session, in resolution 1992/8, adopted guidelines concerning its methods of work, pursuant to paragraphs 6 and 7 of Commission resolution 1992/66.

158. At the present session, the Commission will have before it under this item the following documents:

(a) Report of the Sub-Commission on its forty-fourth session (E/CN.4/1993/2-E/CN.4/Sub.2/1992/58);

(b) Report of the Secretary-General containing a summary of comments concerning the draft programme of action for the prevention of traffic in persons and the exploitation of the prostitution of others (E/CN.4/1993/58);

(c) Note by the Secretariat on the Voluntary Trust Fund on Contemporary Forms of Slavery (E/CN.4/1993/59);

(d) Report of the Chairman of the Sub-Commission pursuant to Commission resolution 1992/66 (E/CN.4/1993/60).

Item 20. Rights of persons belonging to national or ethnic, religious and linguistic minorities

159. At its thirty-fourth session, the Commission established an informal open-ended working group to consider questions related to the drafting of a declaration on the rights of members of minority groups, on the basis of a text proposed by Yugoslavia (E/CN.4/L.1367) which was intended to serve as a starting-point for an exchange of views. The Commission has continued to examine this question at each of its subsequent sessions, at which a sessional open-ended working group had been established by the Commission to consider the matter.

160. At its forty-eighth session, the Commission adopted resolution 1992/16, in which it expressed its appreciation of the fact that the open-ended working group had completed the second reading and had submitted the text to the Commission at its forty-eighth session. The Commission recommended that the Economic and Social Council approve the draft declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities and also recommended it to the Economic and Social Council and the General Assembly for adoption and further action. The draft declaration was approved by the Economic and Social Council by its resolution 1992/4.

161. The Sub-Commission also examined this question since its thirty-second session.

162. At its fortieth session, the Sub-Commission adopted resolution 1988/36, in which it invited Ms. Claire Palley to prepare a working paper on possible ways and means to facilitate the peaceful and constructive resolution of situations involving racial, national, religious and linguistic minorities. At its forty-first session, the Sub-Commission adopted resolution 1989/44, in which it decided to entrust its Special Rapporteur, Mr. Asbjørn Eide with the preparation of a further report on national experience in facilitating the peaceful and constructive solution of problems involving minorities.

163. At its forty-fourth session, having considered the report submitted by Mr. Eide (E/CN.4/Sub.2/1992/37 and Add.1 and 2), the Sub-Commission adopted resolution 1992/37, in which it requested the Special Rapporteur to submit his final report to the Sub-Commission at its forty-fifth session. The Sub-Commission also requested the Secretary-General to prepare, with the cooperation of the Special Rapporteur, a technical meeting of experts on minorities provided for in Commission decision 1992/112, with a view to it taking place in 1992. The meeting is scheduled to take place from 2 to 4 February 1993.

Item 21. Advisory services in the field of human rights

164. At its forty-eighth session, in resolution 1992/80, the Commission requested the Secretary-General to continue to elaborate comprehensive programmes of advisory services and technical cooperation financed under the Voluntary Fund for Technical Cooperation in the Field of Human Rights and to report annually to the Commission on the progress made in the implementation of the programme of advisory services and technical cooperation in the field of human rights and, in a distinct part of his annual report, on the operation and administration of the Voluntary Fund for Technical Cooperation in the Field of Human Rights.

165. At its present session, the Commission, under this item, will have before it the report of the Secretary-General on advisory services and technical cooperation in the field of human rights, including the operation and administration of the Voluntary Fund (E/CN.4/1993/61).

Item 22. Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief

166. After the proclamation by the General Assembly in 1981 of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (resolution 36/55), the consideration of measures to implement the Declaration was taken up, at the request of the Assembly, by the Commission and the Sub-Commission.

167. At its forty-second session, in its resolution 1986/20, the Commission decided to appoint a special rapporteur to examine incidents and governmental actions which were inconsistent with the provisions of the Declaration. Mr. Angelo Vidal D'Almeida Ribeiro (Portugal) was appointed Special Rapporteur; his mandate was extended by the Commission at subsequent sessions and, in resolution 1990/27, for two years.

168. At its forty-eighth session, the Commission adopted resolution 1992/17, in which it decided to extend for three years the mandate of the Special Rapporteur and invited him, in carrying out his mandate, to continue to bear in mind the need to be able to respond effectively to credible and reliable information that came before him and to seek the views and comments of the Government concerned on any information which he intended to include in his report.

169. In the same resolution, the Commission also requested the Secretary-General to report to the Commission at its forty-ninth session on measures taken to implement resolution 1992/17.

170. At its present session, the Commission will have before it the report of the Special Rapporteur (E/CN.4/1993/62) and the report of the Secretary-General (E/CN.4/1993/63).

Item 23. Drafting of a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms

171. At its fortieth session, the Commission, by its decision 1984/116, decided to establish an open-ended working group to draft a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms.

172. At its forty-eighth session, the Commission adopted resolution 1992/82, in which it took note of the report of the working group and welcomed the submission of the first reading text. The Commission also expressed its wish that the working group complete its task and submit the draft declaration to the Commission at its forty-ninth session. The Economic and Social Council, by its resolution 1992/9, authorized the working group to meet for a period of two weeks prior to the forty-ninth session of the Commission, with a view to completing at that time the second reading of the draft declaration and to submitting the text to the Commission at its forty-ninth session for adoption.

173. At its forty-ninth session, the Commission will have before it the report of the working group (E/CN.4/1993/64).

Item 24. Rights of the child, including:

(a) Status of the Convention on the Rights of the Child;

(b) Report of the Special Rapporteur on the sale of children;

(c) Draft programme of action for the elimination of the exploitation of child labour;

(d) Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography.

174. This item is included in the agenda of the forty-ninth session in accordance with Commission resolutions 1992/74, 1992/75 and 1992/76.

Sub-item (a) Status of the Convention on the Rights of the Child

175. At its forty-eighth session, the Commission adopted resolution 1992/75, in which it requested the Secretary-General to submit a report on the status of the Convention on the Rights of the Child to the Commission at its forty-ninth session.

176. At the present session, the Commission will have before it the report of the Secretary-General (E/CN.4/1993/65).

Sub-item (b) Report of the Special Rapporteur on the sale of children

177. At its forty-sixth session, the Commission adopted resolution 1990/68, in which it decided to appoint a special rapporteur to consider matters relating to the sale of children, child prostitution and child pornography, including

the problem of the adoption of children for commercial purposes. The Economic and Social Council, in decision 1990/240, requested the Chairman of the Commission to appoint, for a period of two years, a special rapporteur on the subject. On 10 September 1990, the Chairman of the Commission appointed Mr. Vitit Muntarbhorn (Thailand) as Special Rapporteur of the Commission on the sale of children.

178. The Commission at its forty-eighth session adopted resolution 1992/76, in which it decided to extend the mandate of the Special Rapporteur for three years, while maintaining the annual reporting cycle.

179. At its present session, the Commission will have before it the report of the Special Rapporteur (E/CN.4/1993/67).

Sub-item (c) Draft programme of action for the elimination of the exploitation of child labour

180. At its forty-eighth session, the Commission adopted resolution 1992/74, in which it decided to submit the draft programme of action on the elimination of the exploitation of child labour to the Sub-Commission on Prevention of Discrimination and Protection of Minorities so that it might make the necessary changes, taking into account the views received by Governments, specialized agencies and intergovernmental and non-governmental organizations and also requested the Sub-Commission to give priority to the draft programme of action so that it might be approved by the Commission at its forty-ninth session.

181. At its forty-fourth session, the Sub-Commission adopted resolution 1992/2, in which it decided to transmit to the Commission the draft programme of action for the elimination of the exploitation of child labour, as reformulated by the Working Group on Contemporary Forms of Slavery on the basis of comments submitted by States, specialized agencies and interested non-governmental organizations, contained in the report of the Working Group (E/CN.4/Sub.2/1992/34, annex I).

182. The Commission will have before it a note by the Secretariat on the draft programme of action for the elimination of the exploitation of child labour (E/CN.4/1993/66).

Sub-item (d) Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography

183. At its forty-eighth session, the Commission, by its resolution 1992/74, adopted the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography, submitted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities. The Commission also requested all States to inform the Sub-Commission periodically of measures adopted to implement the Programme of Action and on the efficacy of such measures and also requested the Sub-Commission to submit every two years a report to the Commission on Human Rights on the state of implementation of the Programme of Action by all States.

184. At its forty-fourth session, the Sub-Commission, by its resolution 1992/2, requested the Working Group on Contemporary Forms of Slavery to examine the state of implementation of the Programme of Action at its eighteenth session and to transmit, through the Sub-Commission, a report thereon to the Commission at its fiftieth session.

Item 25. World Conference on Human Rights

185. The Commission at its forty-eighth session adopted resolution 1992/37, in which it called upon the Preparatory Committee for the World Conference to deal with the substantive preparation for the World Conference, in accordance with the goals and objectives set out in paragraph 1 of General Assembly resolution 45/155, as well as with the recommendations contained in the annex to Commission resolution 1991/30. The Commission also decided to consider this item at its forty-ninth session.

Item 26. The role of youth in the promotion and protection of human rights, including the question of conscientious objection to military service

186. The Commission at its forty-seventh session adopted resolution 1991/64, entitled "The role of youth in the promotion and protection of human rights" and decided to include the item in the provisional agenda of its forty-ninth session. At the same session, the Commission also adopted resolution 1991/65, entitled "Conscientious objection to military service", in which it requested the Secretary-General to report on the question to the Commission at its forty-ninth session.

187. The Commission will have before it the report of the Secretary-General (E/CN.4/1993/68).

Item 27. Draft provisional agenda for the fiftieth session of the Commission

188. Rule 9 of the rules of procedure provides that, at each session of the Commission, the Secretary-General shall submit a draft provisional agenda for the Commission's subsequent session, indicating in respect of each agenda item the documents to be submitted under that item and the legislative authority for their preparation, in order to enable the Commission to consider the documents from the point of view of their contribution to its work and of their urgency and relevance in the light of the current situation.

189. The Commission will have before it, before the conclusion of the forty-ninth session, a note for its consideration containing a draft provisional agenda for its fiftieth session, together with information concerning the corresponding documentation (E/CN.4/1993/L.1).

Item 28. Report to the Economic and Social Council on the forty-ninth session of the Commission

190. Rule 37 of the rules of procedure provides that the Commission shall submit to the Council a report, which shall normally not exceed 32 pages, on the work of each session containing a concise summary of recommendations and a statement of issues requiring action by the Council. It shall as far as practicable frame its recommendations and resolutions in the form of drafts for approval by the Council.